



OFFICE OF
INSURANCE COMMISSIONER

November 2, 2005

William B. Davis, President
Washington State Chiropractic Association
21400 International Boulevard, Suite 207
SeaTac, Washington 98198

Re: Petitions for Rulemaking

Dear Dr. Davis:

On September 8, 2005, you submitted eight petitions for rulemaking, asking that I amend WAC 284-43-310, 284-43-320, and 284-43-322. Below is a chart identifying each of the petitions and summarizing the action I will be taking on each.

As you will see, it is my intention to initiate rulemaking on Petition #101 on November 2, 2005. I will consider the amendment to WAC 284-43-320 suggested in that petition; however, if an amendment to that rule is adopted, at this time, I have decided that it will affect contracts between health carriers and all provider types, not only chiropractors.

WSC A No.	OIC No.	Description of petition	Action to be taken
101	P-25	Permit substitute chiropractor to cover patients when provider is absent for a period not to exceed 60 days (<i>locum tenens</i>)	Initiate rule-making – November 2, 2005
102	P-26	Prohibit health carrier from forcing chiropractor's participation in every program or arrangement offered by carrier	Petition denied – outside the scope of the Commissioner's authority to adopt rules (RCW 48.43.515).
103	P-27	Allow chiropractors to sell practice to another licensed chiropractor; buyer may participate in carrier's network on same terms as seller, even if buyer is not in carrier's network	Petition denied – outside the scope of the Commissioner's authority to adopt rules (RCW 48.43.515).
104	P-28	In the case of a billing dispute between carrier and provider, providers entitled to independent review of dispute and prevailing party reimbursed for actual costs of review	Petition denied – outside the scope of the Commissioner's authority to adopt rules (RCW 48.43.515).

105	P-29	(a) Carriers must annually and prior to contracting disclose fee schedule; and (b) Prior notice of substantive change in contract terms increased to 90 days (from 60 days)	(a) This change is not necessary as this is already required in WAC 284-43-320(4). ¹ (b) Petition denied – 60 days is a reasonable notice period.
106	P-30	Require carrier to contract as a single clinic with groups of 5 or more chiropractors	Petition denied – outside the scope of the Commissioner's authority to adopt rules (RCW 48.43.515).
107	P-31	If a carrier has 20% or more market share, carrier may not terminate a contract except for "reasonable cause such as loss of license or fraud"	Petition denied – outside the scope of the Commissioner's authority to adopt rules (RCW 48.43.515).
108	P-32	If a carrier has 20% or more market share, carrier must contract with any chiropractor in its service area who asks for a contract and who meets the carrier's selection criteria without regard to the carrier's enrollee population or plan offerings.	Petition denied – outside the scope of the Commissioner's authority to adopt rules (RCW 48.43.515).

While I recognize the importance of the many issues brought to my attention via these petitions and I understand that many chiropractors believe that they are treated differently from other provider types, most of the petitioned amendments are outside the scope of my authority to adopt rules related to the adequacy of networks and direct access to chiropractors.

If you have questions or need more information, please contact Melodie Bankers, Rules Coordinator, at 360-725-7039, or melodieb@oic.wa.gov.

Sincerely,



Mike Kreidler
Insurance Commissioner

cc: Lori Bielinski, Executive Director
Washington State Chiropractic Association

¹ NOTE: Specific incidences where chiropractors are forced to sign an agreement and the fee schedule is not provided prior to signing should be brought to the attention of Marijean Holland for investigation and possible action.